



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. 10306US09; DN35717YAXX)

IN THE APPLICATION OF:

Steven E. Koenck

Serial No.: 08/879,475

Filed: June 20, 1997

Art Unit: 2111

Examiner: K. Shin

For: BATTERY CONDITIONING
SYSTEM HAVING
COMMUNICATION WITH
BATTERY PARAMETER
MEMORY MEANS IN
CONJUNCTION WITH BATTERY
CONDITIONING

RECEIVED

JUN 30 1998

GROUP 2100

EXPRESS MAIL

Express Mail # **EM425810985US**

Express Mailed: **May 21, 1998**

RECEIVED

JUN 26 1998

Office of Patent Publication
Director's Office

**PETITION UNDER 37 C.F.R. 1.313(b)(5) TO
WITHDRAW CASE FROM ISSUE**

RECEIVED

ATTENTION: OFFICE OF PETITIONS

AUG 18 1998

BOX 313b

ASSISTANT COMMISSIONER FOR PATENTS

Washington, D. C. 20231

OFFICE OF THE SPECIAL
PROGRAMS EXAMINER

Sir:

Applicant hereby petitions pursuant to 37 C.F.R. 1.312(b)(5) to withdraw the above-identified case from issue for abandonment to permit consideration of an information disclosure statement under §1.97 in a continuing application. Applicant filed such a continuing application (Attorney docket No. 10306US10) pursuant to 37 C.F.R.

06/25/1998 RMRGAT 08879475 130.00 OP
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1.53(b)(1) under separate cover on May 20, 1998, which mailing was addressed to "BOX PATENT APPLICATION." Applicant included in the May 20, 1998 mailing an information disclosure statement listing a new reference, U.S. Patent No. 4,377,787.

Applicant believes this petition should be granted because (1) the above new reference was discovered by Applicant's attorney for the first time just recently and only after the issue fee had been paid; (2) as of even date herewith, the above-identified patent application has not yet been assigned a patent number and issue date; and (3) according to the Examiner, the application file is still located in the examining group.

Applicant encloses a check in the amount of \$130.00 for the petition fee set forth in §1.17(i). The commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to the deposit account of McAndrews, Held and Malloy, Ltd., account number 13-0017.

Based on the foregoing, Applicant respectfully requests that this Petition be granted and that the above-identified case be withdrawn from issue.

Respectfully submitted,



Christopher C. Winslade
Reg. No. 36,308

Date: May 21, 1998

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